

EXHIBIT

V

DEPOSITION OF DAVID SIKES

January 24, 2006

Pages 1 through 66

**CONDENSED TRANSCRIPT AND CONCORDANCE
PREPARED BY:**

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE MIDDLE DISTRICT OF ALABAMA
3 NORTHERN DIVISION
4
5 MELVIN LOWE,
6
7 Plaintiff/Petitioner,
8 Vs. CIVIL ACTION NO.
9 2:05-CV-0495
10 MONTGOMERY COUNTY BOARD
11 OF EDUCATION,
12 Defendant/Respondent.
13
14 *****
15 DEPOSITION OF DAVID SIKES, taken pursuant
16 to stipulation and agreement before Patricia G.
17 Starkie, Registered Diplomat Reporter, CRR, and
18 Commissioner for the State of Alabama at Large, in
19 the Law Offices of Hill, Hill, Carter, Franco, Cole
20 & Black, 425 South Perry Street, Montgomery,
21 Alabama, on Tuesday, January 24, 2006, commencing
22 at approximately 9:10 a.m.
23 *****

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1 STIPULATION
2 It is hereby stipulated and agreed by and
3 between counsel representing the parties that the
4 deposition of:
5 DAVID SIKES
6 is taken pursuant to the Federal Rules of Civil
7 Procedure and that said deposition may be taken
8 before Patricia G. Starkie, Registered Diplomat
9 Reporter, CRR, and Commissioner for the State of
10 Alabama at Large, without the formality of a
11 commission;
12 That objections to questions other than
13 objections as to the form of the question need not
14 be made at this time but may be reserved for a
15 ruling at such time as the said deposition may be
16 offered in evidence or used for any other purpose
17 by either party provided for by the Statute.
18 It is further stipulated and agreed by and
19 between counsel representing the parties in this
20 case that the filing of said deposition is hereby
21 waived and may be introduced at the trial of this
22 case or used in any other manner by either party
23 hereto provided for by the Statute regardless of

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1 APPEARANCES
2 FOR THE PLAINTIFF:
3 William F. Patty, Esq.
4 Tanya E. Dugas, Esq.
5 BEERS, ANDERSON, JACKSON
6 PATTY & VAN HEEST
7 Attorneys at Law
8 250 Commerce Street
9 Montgomery, Alabama
10
11 FOR THE DEFENDANT:
12 Elizabeth B. Carter, Esq.
13 HILL, HILL, CARTER, FRANCO
14 COLE & BLACK
15 Attorneys at Law
16 425 South Perry Street
17 Montgomery, Alabama
18 ALSO PRESENT:
19 Mr. Melvin Lowe
20 Mr. Jimmy Barker
21
22 *****
23 EXAMINATION INDEX
DAVID SIKES
BY MS. DUGAS 4
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BY MS. CARTER 52
BY MS. DUGAS 54
(No exhibits were marked to this deposition)

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1 the waiving of the filing of the same.
2 It is further stipulated and agreed by and
3 between the parties hereto and the witness that the
4 signature of the witness to this deposition is
5 hereby waived.
6 *****
7 DAVID SIKES
8 The witness, after having first been duly
9 sworn to speak the truth, the whole truth and
10 nothing but the truth testified as follows:
11 EXAMINATION
12 BY MS. DUGAS:
13 Q. Could you state your name for the record,
14 please.
15 A. David Sikes.
16 Q. Mr. Sikes, I'm Tanya Dugas, and I'm here
17 representing Melvin Lowe.
18 Could you give us your address, please.
19 A. You need my home address --
20 Q. Yes, sir, home.
21 A. -- or work address?
22 1172 Stafford Drive.
23 Q. Is that here in Montgomery?

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1 A. Yes, ma'am.
 2 Q. And what's your --
 3 A. 36117.
 4 Q. And what is your date of birth?
 5 A. 1/5/63.
 6 Q. And your social security number?
 7 A. 420-06-2764.
 8 Q. Are you married, Mr. Sikes?
 9 A. No, ma'am.
 10 Q. Do you have any children?
 11 A. Yes, ma'am, three.
 12 Q. Three?
 13 A. Three.
 14 Q. Are any of them over the age of 19?
 15 A. No, ma'am.
 16 Q. Could you tell us a little about your
 17 educational background, please.
 18 A. Yes, ma'am. Would you -- want me to start
 19 with college?
 20 Q. College, yes, sir.
 21 A. I have a degree in business administration
 22 from Samford University. I have a master's
 23 degree in counseling from Jacksonville

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1 State University. I have a master's degree
 2 in physical education from Jacksonville
 3 State. I have certification from Alabama
 4 State in administration.
 5 Q. Okay. Do you have a teaching certificate?
 6 A. Yes, ma'am. I'm certified in PE,
 7 counseling, administration, and some social
 8 science.
 9 Q. And have you ever given deposition
 10 testimony before?
 11 A. Yes, ma'am.
 12 Q. And in what capacity? Was this
 13 professional or personal?
 14 A. Professional.
 15 Q. How many times have you given deposition
 16 testimony?
 17 A. Less than five. I don't -- I don't really
 18 know for sure.
 19 Q. And what was the context of the depositions?
 20 A. I think two of them were discipline matters
 21 at school concerning students, and two of
 22 them were discipline matters concerning
 23 teachers. The other one I was called in as

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1 a witness for something that didn't happen
 2 at school, but I just happened to be across
 3 the road from it.
 4 Q. Have you ever been sued?
 5 A. Individually or --
 6 Q. Either.
 7 A. Yes, ma'am. As an administrator, I have
 8 been, yes, ma'am.
 9 Q. How many times have you been sued?
 10 A. Once.
 11 Q. And what was the -- what did the lawsuit
 12 entail?
 13 A. I let the Gideons -- it was raining and --
 14 Have you ever seen the Gideons? They're
 15 like 105 years old. I let them come up on
 16 the porch out of the rain, and so I was
 17 sued for that purpose.
 18 Q. Have you ever sued anyone?
 19 A. No, ma'am.
 20 Q. Did you ever serve in the military?
 21 A. No, ma'am.
 22 Q. Have you ever been arrested?
 23 A. No, ma'am.

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1 Q. And do you have any relatives in south
 2 central Alabama?
 3 A. Yes, ma'am. How many?
 4 Q. Is it extensive?
 5 A. Oh, yeah.
 6 Q. What would be the last names?
 7 A. Sikes, Bowden, Stringer, Sexton, Faulk,
 8 Fuller. Is that enough? Heartsill. I've
 9 got several -- a bunch of Heartsills.
 10 H-E-A-R-T-S-I-L-L.
 11 Q. Okay. Do you hold a teaching certificate
 12 or administrative certificate from any
 13 other state other than Alabama?
 14 A. No, ma'am.
 15 Q. Could you tell us a little about your
 16 employment history.
 17 A. Yes, ma'am. Started off out of college, I
 18 was a graduate assistant football coach at
 19 Auburn University. Moved on from there to
 20 be assistant coach at Jacksonville State.
 21 I was head coach at Ashville High School.
 22 Assistant coach at Greenville High School.
 23 Also a counselor at the elementary school

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1 while I was there. I was head coach and
2 teacher at Elba High School. I was
3 assistant principal at Lanier High School,
4 principal at Floyd Middle Magnet, and
5 principal at Lanier -- I mean, at Lee.
6 Excuse me.
7 Q. Okay. When you were head coach at
8 Ashville, did you teach any courses?
9 A. Yes, ma'am. I taught PE and -- well, I had
10 a study hall, but that was it.
11 Q. And what years was that?
12 A. That was in '94, '95.
13 Q. Okay. And what year was the assistant
14 coach position at Jackson State?
15 A. Jacksonville?
16 Q. Jacksonville.
17 A. From 1989 to 1994.
18 Q. And when you were assistant coach at
19 Greenville High?
20 A. That was '95 to '97, I think.
21 Q. Okay. And you said you were also a
22 counselor at the elementary school?
23 A. Yes, ma'am.

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1 Q. Did you teach any courses at the high
2 school?
3 A. No. Not at the high school, no, ma'am.
4 Q. And what years were you employed at Elba as
5 head coach?
6 A. '97 through '99.
7 Q. And what class did you teach there?
8 A. I taught psychology, sociology, PE,
9 government, economics. I think that's it.
10 Q. And what years were you assistant principal
11 at Lanier?
12 A. '99 through 2001. Then principal at Floyd
13 from '01 to '04 and then principal at Lee
14 from '04 to present.
15 Q. What process did you go through to obtain
16 your current position, principal at Lee?
17 A. Went through an interview process with --
18 if I'm not mistaken, there was -- at that
19 time all the assistant superintendents were
20 present at the interview. And I don't
21 remember -- Mr. Barker was there --
22 MS. CARTER: You can't ask him.
23 A. I don't remember the superintendent being

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1 there, but I don't know.
2 Q. Did you complete an application?
3 A. Yes, ma'am. Well, what I did -- I didn't
4 complete an application. I completed a
5 letter of interest. Because once you have
6 a job here, all you have to do is to put a
7 letter of interest if you're interested in
8 a different job instead of filling out a
9 whole packet again.
10 Q. Was this a lateral move from your former
11 position at Floyd?
12 A. No, ma'am, it was a higher-paying
13 position. It went from middle school to
14 high school.
15 Q. Outside of the interview committee, was
16 there anything else that you had to do
17 prior to being recommended?
18 A. No, ma'am. I just had to put in a letter
19 of interest, and I was contacted, interview
20 process, and then notified. That's --
21 Q. Okay. Do you know if anyone else applied
22 for this position?
23 A. Oh, yes, ma'am, several.

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1 Q. Several?
2 A. I don't know exactly who, but I saw several
3 that were -- you know, before I got in
4 there was some, and then, you know, after I
5 left, there were some waiting.
6 Q. Okay. Are there any reading or math
7 coaches at your school, at Lee High?
8 A. No, ma'am, not that -- not employed by Lee
9 High School. We have a math coach that
10 comes from central office, our math person
11 that's I guess like a supervisor. But they
12 come from central office, not employed by
13 Lee.
14 Q. So you do not have -- did you have any
15 participation in this math coach being
16 assigned to Lee or being employed?
17 A. No, ma'am. She goes to every school, every
18 high school. It's just -- you know --
19 Q. Okay. Floyd was an elementary school?
20 A. Middle school.
21 Q. Middle school.
22 Did they have any reading or math
23 coaches at Floyd?

3 (Pages 9 to 12)

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1 A. No, ma'am. It was a magnet school. We
 2 pretty much just basically had teachers
 3 that were -- you know -- didn't have much
 4 use for a reading or math coach.
 5 Q. Are you familiar with the hiring process
 6 that pertains to reading coaches?
 7 A. As far as I know, it's a position that's
 8 funded by Title I. I believe most of them
 9 are. I guess it would be the same as any
 10 other position. If it was a situation
 11 where you were wanting to hire at the
 12 school out of your Title I funds, I guess
 13 it would be, you know, that way, I guess.
 14 Q. Okay.
 15 MS. CARTER: Don't guess.
 16 THE WITNESS: I'm sorry.
 17 A. Well, I never have hired a reading coach or
 18 a math coach, so I don't know the...
 19 Q. Fair enough.
 20 In your experience as a principal,
 21 have you ever encountered a position where
 22 the person that you've recommended for a
 23 position was not hired by the school board?

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1 A. No, ma'am.
 2 Q. Do you keep documentation of the persons
 3 that you interview with regard to
 4 positions?
 5 A. Yes, ma'am. I keep a calendar with what
 6 time or what days they came to interview,
 7 stuff of that nature.
 8 Q. Do you keep any notes on the interviews?
 9 A. I usually keep some until I hire the
 10 position. Then I go ahead and destroy
 11 them. I do keep the resumes that they
 12 send for future reference, you know.
 13 Q. Do you keep any documentation of the
 14 recommendations that you make to human
 15 resources for positions?
 16 A. No, ma'am. I just --
 17 Q. Do you keep this calendar from year to year
 18 of who you had appointments with?
 19 A. Yes, ma'am.
 20 Q. Okay. Do you know Melvin Lowe?
 21 A. Uh-huh (positive response).
 22 Q. Now --
 23 MS. CARTER: You have to say yes

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1 or no.
 2 A. Oh, yes. I'm sorry. Yes.
 3 Q. And in 2005, was there a special education
 4 position available at Lee High School?
 5 A. Yes, ma'am, at that --
 6 Q. Did you seek -- I'm sorry. Go ahead.
 7 A. At that point in time when I interviewed
 8 him, yes, ma'am, there was.
 9 Q. Okay. Did you seek out candidates for that
 10 position?
 11 A. Yes, ma'am, I did.
 12 Q. Was the position advertised?
 13 A. Yes, ma'am.
 14 Q. Do you know how Melvin Lowe came to know
 15 about the position?
 16 A. I assume he read the flier from the board,
 17 I guess.
 18 Q. Did he express an interest --
 19 A. Yes, ma'am.
 20 Q. -- in obtaining this position?
 21 A. Uh-huh (positive response).
 22 Q. And how did this come about? How did you
 23 learn that Melvin Lowe was interested in

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1 this position?
 2 A. If I'm not mistaken, he contacted my
 3 secretary.
 4 Q. Do you know if he had spoken to anyone else
 5 prior to contacting your secretary about
 6 the job?
 7 A. No, ma'am, I don't know.
 8 Q. Do you know if he had spoken to anyone at
 9 central office about the job prior to
 10 contacting your secretary?
 11 A. I have no idea.
 12 Q. Did you interview Mr. Lowe for the
 13 position?
 14 A. Yes, ma'am.
 15 Q. What was your impression of Mr. Lowe based
 16 on your interview?
 17 A. He had a very good interview. The
 18 questions I asked, he was very
 19 knowledgeable, you know. It was -- seemed
 20 to be a likable person.
 21 Q. Did you have any concerns with regard to
 22 Mr. Lowe when you interviewed him or
 23 reservations, I guess?

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1 A. Not particularly, no, ma'am. We were in a
 2 situation where at that point in time we
 3 had been told that we were going to have --
 4 I want to say 20 openings -- not 20 --
 5 excuse me. We were going to have 20
 6 special ed teachers, which would have been
 7 in excess of -- which would have left us
 8 with about -- at that time about ten job
 9 openings. And so at that point, I had
 10 no -- I had no reservations. I mean, he
 11 seemed to be okay.
 12 Now, one practice I do is, you know,
 13 people can come in to interview, and they
 14 can sound wonderful, but I do check
 15 backgrounds on people.
 16 Q. Okay. And did you learn anything that
 17 caused you any concern when you checked
 18 Mr. Lowe's background?
 19 A. Yes, ma'am. There was a question on his
 20 certification in special education.
 21 Q. And what kind of certification was needed
 22 for this job?
 23 A. Special ed certification.

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1 certified.
 2 Q. Did you call Mr. Barker on the phone?
 3 A. Uh-huh (positive response). Contacted him
 4 by phone.
 5 Q. When he told you that he wasn't sure if
 6 Melvin Lowe was certified, did you ask that
 7 he verify Melvin Lowe's credentials?
 8 A. He said that he would -- he told me he
 9 would check with Ms. Jackson next door to
 10 him -- I'm thinking that's her name, but
 11 right at this point, her name evades me. I
 12 believe it's Ms. Jackson -- next door that
 13 does certification. He was going to check
 14 with her. And then I want to say in a
 15 couple of days, Ms. Jackson called me -- it
 16 may have been that afternoon or the next
 17 day she called me -- to tell me at this
 18 point, he was not certified.
 19 Q. Okay. Are you familiar with emergency
 20 special ed certification?
 21 A. I'm familiar with emergency certification,
 22 yes, ma'am, whatever subject it may be in.
 23 Q. Have you ever hired a teacher who had an

Page 18

1 Q. And you said there was a question of it.
 2 Are you aware whether or not he had the
 3 special ed certification?
 4 A. At that point in time, he did not.
 5 Q. What did you do when you learned that he
 6 did not have the certification?
 7 A. When I contacted -- he contacted me I want
 8 to say like the next day and sent some --
 9 he sent some records from where --
 10 copies -- not records, but actual copies of
 11 records where he had supposedly done some
 12 work. And I contacted him and told him
 13 until he got certified, you know, that --
 14 you know, once that happened, you know, we
 15 would see what we could do.
 16 Q. Okay.
 17 A. And until -- I mean, until right now, I
 18 don't even know if he is certified as I
 19 talk.
 20 Q. Did you ever speak with Jimmy Barker about
 21 Mr. Lowe's certification?
 22 A. Yes, ma'am. I contacted Mr. Barker, and he
 23 told me that he was not sure that he was

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1 emergency certification?
 2 A. Yes, ma'am. Not in special ed, though.
 3 Q. Okay. What positions were they hired for?
 4 A. I want to say we had a science teacher.
 5 Q. What was the procedure for obtaining that
 6 emergency certification?
 7 A. I don't know, ma'am. I didn't do it. I
 8 had -- they had to work that out with
 9 central office and had to work that out
 10 with the Alabama Department of Education.
 11 I didn't -- I try not to get involved in
 12 that because, you know, that spends a lot
 13 of time that I don't need to do worrying
 14 about somebody else.
 15 Q. Okay. Did you recommend Melvin Lowe for
 16 the position, the special ed position?
 17 A. No, ma'am.
 18 Q. Who was hired for that position or who was
 19 recommended for that position?
 20 A. Now, this is going to be detail, okay?
 21 Because like I say, when he came to
 22 interview, we had 20 -- we were going to
 23 have 20 teachers. I want to say I

Page 21

1 interviewed Mr. Lowe at the beginning, say,
2 the first ten days of July. I don't really
3 remember. But in the transition between
4 interviewing Mr. Lowe and the two weeks
5 following, we were cut from 20 positions.
6 It went down to 17, then it went down to
7 13, then it went down to where we were
8 going to have to give one back because of
9 funding. So at that point, we didn't -- I
10 didn't know if I was going to hire anybody
11 or not hire anybody or what the deal was.
12 Okay? So there was just a two-week or
13 three-week lull in there until we found out
14 exactly how many units of special ed we
15 were going to have. So that's -- that's --
16 at that point, during those two weeks, we
17 didn't really, you know, have a situation
18 to hire anybody.
19 Q. Okay. Did you ever ultimately hire
20 somebody?
21 A. Yes, ma'am.
22 Q. And who was ultimately hired?
23 A. Now, I can tell you the ones I hired last

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1 we got into the fifth day of school.
2 Q. And all seven of these people were hired to
3 service Lee High School?
4 A. Yes, ma'am.
5 Q. And did all seven of these people have
6 special ed certification?
7 A. Yes, ma'am.
8 Q. Did all seven of these people have previous
9 experience teaching special ed?
10 A. Oh, wait. Can I add this? Ms. McCall.
11 Okay. And we hired -- we had hired -- now,
12 she was hired as soon as school got out.
13 She was hired like in June.
14 Q. Okay.
15 A. Everybody except Ms. McCall had had
16 experience as a special ed teacher.
17 Ms. McCall was a special ed aide that had
18 just obtained her certification. The rest
19 of them have been special ed teachers.
20 Q. Okay. Did you ever have any conversations
21 with Mr. Barker regarding Melvin Lowe when
22 you sought to hire him for this special ed
23 position?

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1 summer. I can't tell you in order of who
2 hired when or whatever.
3 I can tell you that there is a
4 Ms. Bailey that was hired after school
5 started because once our numbers came in to
6 special ed, they realized we had to have
7 some more units.
8 There was Ms. McCauley, who was a
9 transfer from Goodwyn or had been employed
10 at Goodwyn. I won't say transferred. She
11 may have been pink slipped, but she had
12 been at Goodwyn the year before.
13 A transfer from Floyd Elementary
14 School, Ms. Howard.
15 There was a teacher named Mr. Floyd we
16 hired during the summer.
17 There was a transfer from Houston
18 Hills, Ms. Parducci, P-A-R-D-U-C-C-I.
19 I'm thinking there's somebody I'm
20 leaving out. I know there's somebody --
21 there's somebody I'm not --
22 Q. Okay.
23 A. But anyway, there was probably seven once

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1 MS. CARTER: Object to the form.
2 Q. Aside from the initial conversation where
3 you asked for him to check on Melvin's
4 certification?
5 A. No, ma'am.
6 Q. Did Mr. Barker ever tell you that you had
7 to hire a woman for the position?
8 A. No, ma'am.
9 Q. Has he ever told you that you had to hire a
10 black person or a white person to fill a
11 position?
12 A. No, ma'am.
13 Q. Did you ever have --
14 MS. CARTER: Y'all both talk
15 fast. I do, too. Make sure
16 you let her finish the
17 question, because she's trying
18 to type everything down.
19 A. No, ma'am.
20 Q. Have you ever had any conversations with
21 Dr. Purcell with regard to Melvin Lowe?
22 A. No, ma'am.
23 Q. Have you ever had any conversations with

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Carolyn Hicks about Melvin Lowe?
A. No, ma'am.
Q. And do you know of any reason why Melvin
Lowe wasn't hired for the position other
than his lack of special ed certification?
A. No, ma'am.
(Brief recess.)
A. Can I add something to what I said while
ago?
Q. Yes.
A. I did talk to Ms. Hicks. I forgot about
it. I talked to Ms. Hicks prior to talking
to Mr. Barker, because they were in
transition of moving from him hiring
secondary to her hiring secondary, and all
she told me was to check with Mr. Barker to
make sure he was certified because she
didn't know.
Q. Okay. Have you ever gotten an emergency
certificate?
A. Me?
Q. Yes.
A. (Witness shakes head from side to side.)

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MS. CARTER: You have to say yes
or no.
A. No. No.
Q. Are you familiar with the process of how
someone would obtain an emergency
certificate?
A. I know that what I do is send them to
central office or to the state board of
education, they contact them, and there's
something to do with how many hours they
have and there's --
Wait. Let me rephrase that. When you
say -- now, when you say emergency, you're
not talking about a --
I know I can't ask him.
MS. CARTER: You're on your own.
A. For example, my physical education -- I had
enough physical education hours in
undergraduate school that I was able to get
a master's degree. A nontraditional
master's degree is what I'm talking about.
That's not an emergency. That's just
nontraditional. I do have a

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nontraditional, but not an emergency.
Q. Okay.
A. Okay.
Q. Do you know if the emergency certification
is something that's initiated by the
applicant or the school district?
A. I don't -- I would say that it could be by
either one, I think. I'm not sure.
Q. Okay. And I know you said you had hired
somebody once before, I think a science
teacher?
A. Yes, ma'am.
Q. Was that a simple process for the science
teacher to obtain that emergency
certification?
MS. CARTER: Object to the form.
Q. You can still answer.
A. Okay. I don't know. I just know that we
were short of science teachers, we didn't
have any, and the young lady had a degree
in just basic chemistry, and I contacted
downtown and they worked with her. I don't
know exactly what -- how the process went

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through.
Q. How long did it take for her to receive the
certification?
A. I want to say it took around two to three
weeks. I don't know for sure, though.
Q. Were you able to employ her prior to her
getting her certification?
A. No.
Q. Were you able to continue with the process
of securing her employment while she was
awaiting her emergency certification?
A. Not -- I know that we could not hire her
until that was taken care of.
Q. When you contacted the district office
about her emergency certification, were you
told whether or not it would be a
successful process for her?
A. Didn't know.
Q. Did you continue interviewing other people
for the position while waiting for her
certification?
A. No, because that's all we had.
Q. Okay.

7 (Pages 25 to 28)

Page 29

1 A. She was -- I mean --
 2 Q. Okay. Had Mr. Lowe been certified in
 3 special education, would you have
 4 recommended him for the position?
 5 A. Yes.
 6 Q. With regard to --
 7 A. Can I add to that?
 8 Q. Yes.
 9 A. Having -- I would have recommended him
 10 based on just our interview, but I would
 11 have checked his background, his references
 12 of where he had been, and I can't say that,
 13 you know, after that I would have. I don't
 14 know because I didn't talk to them.
 15 Q. Did you check any of his references?
 16 A. No, ma'am, because when I talked to Carolyn
 17 Hicks, I knew he had a history in
 18 Montgomery County. She said, I don't know
 19 if he's certified. Once she did that, I
 20 called Mr. Barker, and he said, I don't
 21 think -- I don't know about his
 22 certification. I didn't waste time calling
 23 anybody until I found out about

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1 certification.
 2 Q. Okay. In that interview, did you speak --
 3 did you speak to Mr. Lowe with regard to
 4 what type of position he would want,
 5 whether it be in sciences or English?
 6 A. Yes, ma'am, I did ask what his strong suit
 7 was, what his basic -- you know, what he
 8 was good at at school, that stuff, you
 9 know. Because we were searching for an
 10 inclusion teacher for the four core areas,
 11 because that's what we were looking for.
 12 Q. Did he advise you that he was eligible for
 13 an emergency certification?
 14 A. I don't remember that, no, ma'am. I don't
 15 know. I know he said that -- I know he
 16 said that everything would be in order, but
 17 I don't -- you know...
 18 Q. Okay. Did you ever speak to Mr. Lowe after
 19 this initial interview process or this
 20 initial interview?
 21 A. I want to say I talked to him once on the
 22 phone, but I don't know. I know he called
 23 several times and talked to my secretary.

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1 I know he came several times and sat
 2 outside my office and waited for me to
 3 be -- to try to be through with my
 4 interviews.
 5 Q. Did you ever speak to him on any of these
 6 occasions?
 7 A. Actual call him in to talk to him, no,
 8 ma'am.
 9 Q. Did you ever have any passing conversations
 10 with him when he was waiting outside your
 11 office?
 12 A. I think I spoke one time on the way between
 13 interviewing other people, I think.
 14 Q. Do you recall the context of that
 15 conversation?
 16 A. Hey, how are you. You know, I don't...
 17 Q. Did you ever express to Mr. Lowe your
 18 interest in hiring him for this position?
 19 A. I told him, like I said, that day that as
 20 soon as we got everything in order, we
 21 would see what we could do. Other than
 22 that, no, ma'am.
 23 Q. Okay. With regard to the hiring process,

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1 when you're looking to hire a new teacher
 2 at the school, does the process begin with
 3 you interviewing potential applicants?
 4 A. Well, I guess the process would begin with
 5 the opening from downtown's announcement.
 6 And then, yes, ma'am, it begins with me
 7 interviewing the teachers.
 8 Q. And once you've interviewed the teachers,
 9 what do you tell Mr. Barker or HR with
 10 regard to your interviews?
 11 A. Usually I call and I'll say I have a
 12 teacher that I'd like to see about us
 13 getting hired. I've checked -- you know, I
 14 usually let them know I've checked with
 15 whoever, whatever, and then he'll know if
 16 they have certification or not or if
 17 there's a question or whatever. And then,
 18 you know, we go from there. And I
 19 recommend and then he tries -- he talks I
 20 guess with one of his secretaries or one of
 21 the ladies down there to put it in the
 22 minutes for the board or send it to the
 23 superintendent and then the superintendent

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1 recommends and then the board.
2 Q. Okay. So do you typically give Mr. Barker
3 one name of someone that you want for the
4 job?
5 A. For one job? Yes, ma'am. I don't usually
6 give -- well, let me -- no, no. There have
7 been times in the past when I was -- I
8 narrowed it down to three, you know, or
9 two. I'll take, you know, either one of
10 these that you -- you know. They're all
11 about the same, I've narrowed it down to
12 three, so, you know, just pick which one
13 you -- or which one -- if there's another
14 principal that likes one better, I don't
15 care. Just give me one of these three. I
16 have done that in the past.
17 Q. Do you always give numerous candidates'
18 names?
19 A. I would say probably in the situation where
20 there are numerous candidates, I usually do
21 give more than one. But usually -- like,
22 for example, the science teacher I was
23 talking about earlier, there may be only

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1 one candidate that fits what we need.
2 Q. So there have been situations where you've
3 given just one name to Mr. Barker?
4 A. Yes, ma'am.
5 Q. And was that person placed in the position
6 that you recommended them for?
7 A. Yes, ma'am.
8 Q. Has there ever been a time when you've
9 recommended somebody for a position and
10 they were not placed in that position?
11 A. No, ma'am.
12 Q. Was there an assistant principal position
13 available at Lee -- no --
14 A. Lee High.
15 Q. Lee High in 2005, the same summer?
16 A. Yes, ma'am.
17 Q. Was that position posted?
18 A. Yes, ma'am.
19 Q. And did Melvin Lowe respond?
20 A. Yes, ma'am. He contacted my secretary and
21 said he wanted to be considered for the
22 position.
23 Q. Did he ever set up an interview with you?

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1 A. I think he did, but I canceled it.
2 Q. And why was the interview canceled?
3 A. Because during the time of the opening for
4 the special ed, not trying to be rude
5 towards Melvin, but he badgered the crap
6 out of me and my secretary. And it was
7 obvious to me he could not follow
8 directions, what I had told him to do, so I
9 did not want him as an administrator at my
10 school.
11 Q. Did you ever advise Mr. Lowe as to why the
12 interview was canceled?
13 A. I didn't, no, ma'am.
14 Q. How many applicants did you consider for
15 that position?
16 A. Considered? There was about 12 that called
17 that I talked with maybe on the phone or
18 read their resumes, but there was only -- I
19 think there was five or six I interviewed,
20 came in.
21 Q. And who did you ultimately recommend for
22 this position?
23 A. John Johnston.

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1 Q. And when you decided on Mr. Johnston, was
2 that after you had interviewed him?
3 A. Yes, ma'am, and also I had past work
4 history. Most of the people I interviewed,
5 I had some knowledge of their past work,
6 so -- but it was after I interviewed him,
7 yes, ma'am.
8 Q. Had you had any conversations with anybody
9 at central office during the process before
10 making your decision on Mr. Johnston?
11 A. No, ma'am.
12 Q. When you decided that you wanted --
13 A. Wait. Let me rephrase that. All the
14 candidates that were for assistant
15 principal had to go through a process
16 downtown to be okayed through them, so I
17 did have -- you know, I had a list of
18 people that had been through their process.
19 Q. Okay.
20 A. And so I guess technically, I didn't have a
21 conversation, but I had a list of people
22 that were -- had been through their
23 process.

9 (Pages 33 to 36)

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1 Q. So you had never spoken to anyone at
2 central office about any candidate in
3 particular?
4 A. No, ma'am.
5 Q. Okay. After you decided on Mr. Johnston,
6 what was the next step as far as hiring
7 him?
8 A. I recommended -- I gave him the --
9 actually, I gave him -- during that time, I
10 gave him a ranking of two that I would
11 take, and I told him that I -- you know, I
12 really preferred Mr. Johnston. So that's
13 what -- I guess it went through the chain
14 then.
15 Q. And when you say you gave him, are you
16 referring to Mr. Barker?
17 A. Yes. I'm sorry.
18 Q. Okay. Who was the other person that you
19 recommended aside from Mr. Johnston for
20 this position?
21 A. I believe it was Ron Ashley.
22 Q. Okay. And was Mr. Johnston hired for the
23 administrative assistant --

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1 A. Yes, ma'am.
2 Q. -- I mean, assistant principal position?
3 A. Yes, ma'am.
4 Q. Is he still in that position?
5 A. Yes, ma'am.
6 Q. Had Mr. Barker or Carolyn Hicks ever said
7 anything to you at all about Melvin Lowe?
8 A. Other than the conversation about the
9 question of certification.
10 Q. And tell me again what you remember about
11 that conversation.
12 A. Okay. The first one, Carolyn Hicks. I
13 called and she -- I mentioned -- I said,
14 I've got a special ed job. I said, I want
15 to look at hiring Melvin Lowe or see what I
16 need to do, check, whatever. And she said,
17 I don't believe he's certified. You need
18 to check with Mr. Barker. So I hung up.
19 I contacted Mr. Barker. He said, I
20 don't -- he said the same thing, I don't
21 believe he's certified, but I will check
22 with Ms. Jackson, Cynthia. So then I want
23 to say either that afternoon or the next

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1 day, Ms. Jackson called me back to tell me
2 that he was not certified.
3 Q. Okay.
4 A. That there was some questions about some
5 course work he had done, but that
6 technically, he was not certified. So --
7 Q. Did either Mr. Barker or Ms. Jackson or
8 Ms. Hicks say anything to you about the
9 possibility of an emergency certification?
10 A. No, ma'am. I didn't pursue that because at
11 that point in time, I had -- the only time
12 I've ever even asked that question was like
13 with the science teacher. I didn't have
14 anybody else. And I had -- I think the day
15 he came in, I had like four or five, six
16 other interviews, had six or seven the next
17 day, so I didn't pursue it. I didn't bring
18 it up to them and they didn't bring it up
19 to me.
20 Q. Okay. Do you have any documents or any
21 calendar entries or anything to show when
22 you had these conversations with Mr. Barker
23 or Ms. Hicks or Ms. Jackson?

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1 A. No, ma'am, not as I know of.
2 Q. Do you recall the dates of when that was?
3 A. I could probably look on my calendar and
4 see what date I interviewed Mr. Lowe. I
5 want to say that I contacted them the day
6 after, once my interviews were over. I
7 mean, I could find a date, but I don't -- I
8 don't particularly -- I can't pinpoint and
9 say, you know.
10 Q. Okay. Now, you stated that after the
11 interview for the special ed position that
12 Mr. Lowe badgered you and your secretary.
13 A. Yes, ma'am.
14 Q. Tell us a little bit more about what he
15 did.
16 A. Like I said earlier, he came and sat --
17 Have you ever been to Lee High School?
18 Like the main office you have, and then I
19 have an office that you can see the main
20 office out of it. And he would sit
21 there -- I know one day he sat there for a
22 long time while I was -- I want to say I
23 was interviewing. I was doing some sort of

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1 work. I don't know. But I had my door
2 closed and he sat there. One day he
3 brought some sort of beauty products to my
4 secretary. He called several times. And I
5 kept telling her to tell him until -- when
6 I got certification or when, you know,
7 something came available, I would let --
8 you know, I would contact him. And he
9 kept -- he just kept calling and kept
10 coming by and I just -- you know, it just
11 got old.
12 Q. And what's your secretary's name?
13 A. Ms. West. Tonda West.
14 Q. How do you spell that?
15 A. T-O-N-D-A, W-E-S-T.
16 Q. And when you said he sat out there for a
17 long time when you were working on some
18 stuff, how long was he out there?
19 A. I don't -- it seemed like a long time,
20 but -- I know I was interviewing people,
21 and usually an interview takes anywhere
22 from -- depending on what I'm interviewing
23 for, anywhere from 20 to 45 minutes. And I

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1 want to say one day he sat through two or
2 three, and another day he sat maybe an hour
3 or -- you know, I don't know.
4 Q. Okay. How many times did this happen?
5 A. I want to say he came by twice and called
6 several times. I don't know how many.
7 Q. Okay. And at any point when Mr. Lowe had
8 come by your office, did anybody -- do
9 you -- I'm sorry. At any point that he
10 came by your office, did you ever speak to
11 him aside from that one time you told me
12 where you just passed him?
13 A. I don't think so, no, ma'am. Because if
14 I'm not mistaken, the day that I had the
15 door closed I don't think I ever opened it,
16 because I was in the middle of working on
17 something or doing something. But I
18 remember him sitting out there.
19 Q. Okay. And did anybody -- did anybody ever
20 return his phone calls, the messages that
21 he left?
22 A. My secretary had returned and talked to
23 him. I had her call him. And then I had

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1 her -- she had set up the interview, and
2 then I told her to unset up the interview,
3 so she called him back to tell him.
4 Q. Okay. And was Mr. Lowe ever advised on any
5 of these visits to your office or these
6 phone calls the reason that no one was
7 meeting with him or talking to him?
8 A. No, ma'am. At that time, you know, for the
9 position that he had initially interviewed
10 for, it was when I told you we were -- you
11 know, we weren't sure how many units we
12 were going to have. They backed everything
13 up. So at that point, I had no job to
14 offer him.
15 Q. Okay. When Mr. Lowe was waiting outside in
16 your lobby, did anyone tell him that he
17 needed to leave?
18 A. I don't recall anybody telling him he
19 needed to leave.
20 Q. Did anybody ever tell him he needed to not
21 drop by the office again?
22 MS. CARTER: Object to the form.
23 A. She -- I don't recall that --

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1 MS. CARTER: You can answer.
2 A. I don't recall that, no, ma'am. I know she
3 had told him that I was busy and it would
4 be a while. If he -- you know, if he
5 waited, it would be a while before I would
6 be able to see him.
7 Q. Okay. You said that -- the science teacher
8 that got the emergency certification, were
9 there no other applicants that you liked or
10 no other applicants that applied for the
11 position?
12 A. At that point in time, there were no other
13 applicants that were certified in just
14 chemistry. This was for a chemistry
15 teacher. At that point in time, we didn't
16 have any. This was my first year at Lee,
17 and I had been hired like -- if I'm not
18 mistaken, July 1st, and we start school
19 August 1st, so we were kind of at the end
20 of the hiring process.
21 Q. Were there any applicants who had any kind
22 of science certification that applied for
23 the job?

11 (Pages 41 to 44)

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1 A. I don't remember. I don't remember. I
2 just know that I went out and kind of found
3 this person, you know, right before school
4 started.
5 Q. And who was this person that had the
6 emergency certification?
7 A. Courtney Whigham.
8 Q. And is Courtney a male or female?
9 A. Female.
10 Q. And is she black or white?
11 A. White.
12 Q. Okay. I think that's it.
13 EXAMINATION
14 BY MS. CARTER:
15 Q. When was that?
16 A. That was in 2004.
17 Q. 2004?
18 A. Yes, ma'am, summer.
19 Q. You said that you don't know whether
20 somebody told Mr. Lowe that he should
21 leave. Did you make it clear to Mr. Lowe
22 that you didn't know if you were going to
23 be able to hire him in that position, that

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1 been the end of May.
2 Q. So that was before you had an interview
3 with Mr. Lowe?
4 A. Yes, ma'am.
5 Q. And had she worked in your school before?
6 A. Yes, ma'am. She was a special ed aide at
7 my school.
8 Q. Is that why you wanted to hire her?
9 A. Yes, ma'am.
10 Q. Who was -- do you know from this list who
11 was -- because I'm forgetting right now --
12 who was the other new hire or someone that
13 was not transferred?
14 A. Mr. Floyd was a new hire from Chilton
15 County.
16 Q. Oh, I thought he came from Houston Hills.
17 I might have written that down wrong.
18 A. No. Mr. Floyd came from Chilton County,
19 and he was hired early in -- or mid-June
20 before I interviewed Mr. Lowe.
21 Ms. Bailey, the first one out, she was
22 a new hire, but she was hired I want to say
23 three or four days after school started.

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1 you would contact him if you could?
2 A. Yes, ma'am.
3 Q. Did your secretary tell him on more than
4 one occasion that you would get in contact
5 with him if you had a position for him?
6 A. Yes, ma'am.
7 Q. You went over a group of several names of
8 special ed folks that came to you this
9 summer -- well, the summer of 2005.
10 A. Yes, ma'am.
11 Q. And just for clarification, a good number
12 of these were transfer of special ed
13 teachers from other schools, correct?
14 A. Yes, ma'am.
15 Q. And I think you said that one of your -- a
16 new hire would have been a lady by the name
17 of Ms. McCall?
18 A. Right.
19 Q. Do you know her first name?
20 A. Valerie.
21 Q. And she was hired in June, correct?
22 A. Yes, ma'am. She was hired as soon as
23 school was out. I say June. It may have

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1 Q. So just to kind of put this in perspective,
2 at the time that you interviewed
3 Mr. Lowe -- I know you described this a
4 little bit. But at the time you
5 interviewed Mr. Lowe in mid July when there
6 was this flux about how many special ed
7 positions you were going to have, there was
8 no hiring during that period, correct,
9 during that two or three-week period of
10 time for special ed?
11 A. Not as far as I know, no, ma'am.
12 Q. And these other folks got transferred to
13 you, and then Ms. Bailey was hired after
14 school started?
15 A. That's right.
16 Q. Okay. And she was certified in special
17 education?
18 A. That's correct.
19 Q. Did you have to work with or make any
20 efforts to get any of these people we've
21 talked about that were brought to your
22 school in the summer of 2005 in special ed,
23 did you have to do anything with them to

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1 get emergency certification?
2 A. Unh-unh (negative response).
3 Q. Yes or no.
4 A. No.
5 Q. And all of them had prior special education
6 teaching experience except for Ms. McCall?
7 A. Yes. As far as I know, yes, ma'am. And
8 Ms. McCall actually had some -- she was an
9 aide that worked with special education
10 classes.
11 Q. Did Mr. Barker ever tell you that you
12 couldn't hire Melvin Lowe?
13 A. No.
14 Q. Did he ever talk to you about a lawsuit or
15 anything Melvin Lowe had done against the
16 school system?
17 A. No.
18 Q. Do you know Melvin Lowe's mother?
19 A. Yes.
20 Q. Do you know anything about any lawsuit
21 she's ever filed against the school system?
22 A. No.
23 Q. When you interviewed Melvin Lowe, did you

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1 know if he had filed an EEOC charge or a
2 lawsuit against the school system?
3 A. No.
4 Q. More specifically, because I don't know if
5 we got it on the record, did anybody ever
6 tell you that you couldn't hire Melvin as
7 an assistant principal?
8 A. No, ma'am.
9 Q. Did you converse with anybody about your
10 decision to cancel that interview other
11 than your secretary?
12 A. No, ma'am.
13 Q. What is the race and sex of John Johnston?
14 A. White male.
15 Q. Okay. That's it.
16 MS. DUGAS: I have a couple
17 questions.
18 EXAMINATION
19 BY MS. DUGAS:
20 Q. The science teacher that you hired, was her
21 name withdrawn after you realized -- after
22 you found out she did not have
23 certification?

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1 A. No, ma'am.
2 Q. Were there any steps taken to stop the
3 hiring process pertaining to this teacher
4 while awaiting her certification?
5 A. Explain that, please.
6 Q. Did you notify central office that this
7 individual did not have the proper
8 certification?
9 A. Yes. Yes, I did.
10 Q. And what happened in the interim while you
11 were awaiting the emergency certification?
12 A. Just waiting for her to get certification.
13 There was nothing -- you know, nothing
14 to -- kept looking for a science teacher,
15 but we didn't find any.
16 Q. And with regard to Ms. McCall, you stated
17 that she had been a special ed aide in your
18 school --
19 A. Yes, ma'am.
20 Q. -- prior to her becoming a special ed
21 teacher?
22 A. Yes, ma'am.
23 Q. And is it a good practice as principal to

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1 hire people that you've worked with and
2 that you're familiar with for positions?
3 A. Yes, ma'am. I think if you have people
4 that have good qualities and you know are
5 dependable, I think it's important to hire
6 those people.
7 Q. And in your experience, would you tend to
8 hire someone that you were familiar with
9 and had worked with over someone that you
10 had just interviewed in the interview
11 process?
12 A. As long as I had good -- a good feeling for
13 them prior to, you know, I knew their
14 background and their -- you know, their
15 working relationship with other people and
16 that you could depend on them and they
17 would be where they're supposed to be, you
18 know, do what they're supposed to do, yes,
19 ma'am.
20 MS. CARTER: Just one
21 clarification.
22 EXAMINATION
23 BY MS. CARTER:

13 (Pages 49 to 52)

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1 Q. This science teacher that we've been
2 talking about in the summer of 2004 for I
3 guess the 2004-2005 school year, you said
4 you kept looking for a science teacher in
5 the meantime; is that correct?
6 A. Let me rephrase that. A chemistry teacher.
7 Q. A chemistry teacher?
8 A. Because science is different from
9 chemistry. You know what I'm saying.
10 Q. And just for clarification. If you had
11 interviewed a teacher that was certified in
12 chemistry, would you have hired that person
13 as long as they were qualified to teach
14 chemistry?
15 A. Once again, in hiring, probably so,
16 depending on if everything else checks out,
17 you know; she's not a person that's not
18 ever at work, if she's not a person that
19 you can depend on.
20 Q. Well, I guess for clarification --
21 A. All things being equal, if you have the
22 science teacher I hired and this other lady
23 that's certified, yes, I would have hired

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1 the lady that was certified rather than
2 going through the emergency deal.
3 Q. Okay. Thanks.
4 MS. DUGAS: Okay. I have just a
5 clarification question on
6 that.
7 EXAMINATION
8 BY MS. DUGAS:
9 Q. So if a chemistry certified teacher had
10 come in with the requisite certification
11 and experience during the process that you
12 were awaiting emergency certification for
13 this current teacher, if for some reason
14 you didn't feel as comfortable with the
15 certified teacher, you would have continued
16 the process for the emergency certification
17 for the teacher that you had hired?
18 MS. CARTER: Object to the form.
19 Go ahead.
20 A. Okay. Now, when you say feel as
21 comfortable, if I had called a previous
22 employer and a previous employer had said,
23 you know, there's 180 school days and she's

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1 out 60 of them, yeah. I'm not going to --
2 I don't feel like that's -- you know, I
3 think that would -- that would help me or
4 that would make me continue my process I
5 was doing. If not, you know, then, you
6 know, I probably would have hired the
7 certified teacher.
8 Q. If this hypothetical certified chemistry
9 teacher, you just didn't have as good a
10 feel for her -- nothing bad in her
11 personnel file, no red flags, but you just
12 had a much better feel for the person that
13 you did ultimately hire -- would you have
14 continued the emergency certification
15 process for her?
16 A. Okay. I would have waited to see if she
17 could have got emergency certification,
18 yes, ma'am. I didn't do a process. I sent
19 her and let her go handle all that.
20 Q. Okay. Okay. How exactly did you find this
21 person who got the emergency certification
22 in chemistry?
23 A. Another administrator had contacted me.

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1 There was a transition because when I was
2 hired at Lee, there was -- I want to say
3 the principal retired, the three assistant
4 principals moved to different schools, and
5 one of the assistant principals told me
6 about this young lady that -- to contact
7 because she had been interested in seeing
8 about getting a teaching certificate.
9 Q. Had this lady worked in the school that
10 this --
11 A. The administrator?
12 Q. Who was the administrator?
13 A. Now you're going to ask me a question I
14 can't answer because I don't know her name.
15 THE WITNESS: Can I just ask him
16 what her name is?
17 MS. CARTER: No. Just say you
18 don't know.
19 Q. I'm trying to make it not so --
20 A. She was at Lee. She was at Lee. And I'm
21 so embarrassed, because I'm good friends
22 with her. Liz Norman.
23 Q. Liz Norman.

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1 A. Liz Norman was at Lee. And she said, you
2 know, this person is a friend of mine.
3 She's a chemist in a lab, but she's
4 interested in seeing about getting a
5 teaching certificate. You may want to call
6 her if you can't find anybody else.
7 Q. Had this person ever done any teaching
8 before?
9 A. No.
10 Q. Had this person ever applied for a teaching
11 certificate prior to this emergency
12 certification?
13 A. No.
14 Q. Did you interview anyone else for this
15 position?
16 A. I don't remember.
17 Q. Was this science teacher position posted
18 through the Montgomery County School Board?
19 A. Yeah, I'm sure it was. Yes, ma'am.
20 Q. And you said that while you were waiting on
21 her certification --
22 A. Can I clarify something?
23 Q. Yes, ma'am.

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1 A. As I'm sitting here, as we're talking about
2 it -- because she has just finished --
3 there's a difference between a true
4 emergency certificate -- She had enough
5 undergraduate hours, just like I did, that
6 she received a nontraditional master's in
7 chemistry. So while -- the time that
8 you're in school, you have three years to
9 finish the nontraditional master's. So she
10 was not technically under an emergency
11 certificate. It's more of a -- the state
12 of Alabama gives you a grace period that
13 you have three years to finish your
14 master's work, and that's what she was on.
15 So technically, it was not an emergency
16 certificate. I guess I should, you know,
17 clarify that.
18 Q. Okay. I'm confused with the nontraditional
19 master's. I'm going to get you to clarify
20 that.
21 A. For example, like the one I have in PE. I
22 had enough undergraduate hours in PE that I
23 could --

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1 The state had a shortage of teachers.
2 Let me just give you the history. The
3 state had a shortage of teachers in math
4 and science. And so what they did, they
5 went ahead and opened it up for math and
6 science and then they opened it up for
7 everybody to where if you have enough
8 undergraduate hours in a subject --
9 science, chemistry, whatever it is -- that
10 instead of having to go back and go all
11 through your undergraduate degree, they
12 would give you an opportunity to get what's
13 called a nontraditional master's degree.
14 Okay? So that you could go and take -- and
15 skip some of your education courses that
16 you would have had to have taken as an
17 undergraduate, you would take them as a
18 graduate student. Then when you came out,
19 you would have a master's degree and be
20 able to teach under a master's degree
21 certification.
22 Okay. An emergency certificate is
23 different because with an emergency

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1 certificate, the person is not enrolled in
2 graduate school. The person is just, you
3 know, here. We don't have anybody to stick
4 in here, but we have somebody that has
5 enough hours in, say, science that we can
6 put them in, but they're not enrolled in
7 graduate school. She was enrolled in
8 graduate school as a nontraditional
9 master's candidate.
10 Q. Okay. And you said her name was Courtney?
11 A. Whigham.
12 Q. Okay. And just so that I'm clear, when you
13 interviewed Ms. Whigham for the position,
14 was she currently enrolled in school?
15 A. No. She was currently employed as a
16 chemist in a lab.
17 Q. Okay. I have an undergraduate degree in
18 English.
19 A. Okay.
20 Q. If I --
21 A. You want a job?
22 Q. This is for clarification. If I wanted to
23 get the nontraditional master's that you

15 (Pages 57 to 60)

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1 were speaking of to teach in English, would
2 it require additional schooling on my part?
3 A. Yes -- no. Excuse me. You have -- if you
4 wanted to enroll, what would happen, you
5 would have to go down to the state
6 department. You carry them your
7 transcript. They would look at your
8 transcript to see if you had enough hours,
9 and then they would enroll you in this
10 nontraditional master's program. Okay?
11 You would have to come back to the school
12 system and -- with proof that you're
13 registered in school in a master's program,
14 and then the state will issue you a
15 three-year waiver certificate -- or one per
16 year. I don't know if it's a waiver for
17 three years, but there's three years that
18 you've got to complete your master's
19 degree.
20 Q. So I would have to go back and complete
21 more course work?
22 A. Yes.
23 Q. Did Ms. Whigham go back to school to

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1 complete more course work?
2 A. Yes.
3 Q. When did she enroll in school or re-enroll,
4 I guess?
5 A. I guess that's like that fall of when she
6 started teaching, because she has completed
7 it now.
8 Q. So she taught for three years?
9 A. No, one.
10 Q. One year?
11 A. Just one year. This is her second year.
12 Q. Okay. So she went -- re-enrolled in school
13 with only her bachelor's degree in science?
14 A. In chemistry.
15 Q. In chemistry?
16 A. Right.
17 Q. And proceeded to teach at Lee High while in
18 the process of obtaining further education?
19 A. That's correct.
20 Q. Does she have the nontraditional master's
21 as of this date?
22 A. I believe she does, yes, ma'am. I believe
23 her course work is through.

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1 Q. Do you know when she completed this course
2 work?
3 A. I think at the end of last quarter, I
4 believe, now. I'm just speaking off the
5 top of my head. I'm not sure. But I think
6 that's what she -- I heard her say the
7 other day.
8 Q. Do you know if she's ever obtained an
9 Alabama teaching certificate?
10 A. She obtained one when she finished her
11 course work or -- and the certificate is
12 valid for those three years when you're in
13 the nontraditional program. So she has a
14 certificate. It's pending, the last one.
15 Q. Okay. Do you have any records about who
16 applied for this chemistry teacher position
17 or who you interviewed for this position?
18 A. I don't know. I can go look. I mean, it
19 may be on the calendar. If I have it, I
20 have just the -- of who I interviewed on
21 the calendar, but, you know...
22 Q. Okay. And what action did you take to
23 continue looking for a science teacher

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1 during this process once you first
2 interviewed Ms. Whigham?
3 A. I want to say that I, you know, kept
4 interviewing, kept looking for a chemistry
5 teacher. Not just a science teacher.
6 Q. Right. I'm sorry.
7 A. And I don't believe we found any. And I
8 know I kept interviewing, because we
9 hired -- I want to say we hired -- if I'm
10 not mistaken, we hired a couple of science
11 teachers, but none of them were based in
12 true chemistry.
13 Q. Do you have any records of who you
14 interviewed for that position?
15 A. I don't know. It's on the calendar, but
16 I'll have to go look and tell you.
17 Q. Okay. That's it. Thank you.
18
19
20 *****
21 FURTHER DEPONENT SAITH NOT
22 *****
23

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REPORTER'S CERTIFICATE

STATE OF ALABAMA:

MONTGOMERY COUNTY:

I, Patricia G. Starkie, Registered
Diplomate Reporter, CRR, and Commissioner for the
State of Alabama at Large, do hereby certify that I
reported the deposition of:

DAVID SIKES

who was first duly sworn by me to speak the truth,
the whole truth and nothing but the truth, in the
matter of:

MELVIN LOWE,

Plaintiff,

Vs.

MONTGOMERY COUNTY BOARD

OF EDUCATION, et al.,

Defendants.

In The U.S. District Court

For the Middle District of Alabama

Northern Division

Case Number 2:05-CV-0495

on January 24, 2006.

The foregoing 64 computer printed pages

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contain a true and correct transcript of the
examination of said witness by counsel for the
parties set out herein. The reading and signing of
same is hereby waived.

I further certify that I am neither of kin
nor of counsel to the parties to said cause nor in
any manner interested in the results thereof.

This 31st day of January 2006.

Patricia G. Starkie, Registered
Diplomate Reporter, CRR, and
Commissioner for the State
of Alabama at Large

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